REMARKS

In an Office Action dated March 2, 2009, the Examiner rejected claims 1 – 2, 4 – 20, and 22 – 46 under 35 U.S.C. §103(a) as being unpatentable over Spencer (US 6,356,909) in view of Vanderboom et al. (US 2002/0147596). This rejection is respectfully traversed. Claims 3, 21 and 47-48 were previously canceled. Claims 1 – 2, 4 – 20, and 22 – 46 are pending in this application. Applicants have carefully reviewed the Examiner's rejection and comments as found in the Office Action dated March 2, 2009 and provide the following remarks regarding the Office Action.

Claim Rejection – 35 USC §103(a)

The Examiner rejected Claims 1 – 2, 4 – 20, and 22 – 46 under 35 U.S.C. §103(a) as being unpatentable over Spencer in view of Vanderboom et al. For a *prima facie* case of obviousness to be established, the following factual inquiries as enunciated in *Graham* must be determined: (A) determining the scope and contents of the prior art; (B) ascertaining the differences between the prior art and the claims at issue; (C) determining the level of skill in the pertinent art; and (D) evaluating any evidence of secondary considerations. Further, in *KSR*, a number of rationales for supporting a conclusion of obviousness consistent with the "functional approach" in *Graham* were laid out. Additionally, it is key that the Examiner articulate their reason why the claimed invention would have been obvious. (MPEP 2143) Applicant respectfully submits that Spencer in view of Vanderboom et al. neither forms the basis of nor establishes a *prima facie* case of obviousness.

Spencer teaches a web based computer system for managing creation of a RFP and responding to the RFP. The RFP is generated by an initial user(s) (purchasers) by accessing and selecting questions stored on a questions database to produce a created RFP. The created RFP is then stored on a website accessible by a RFP respondent(s) (vendors) after being notified by electronic means, such as by email. The vendor accesses a response database, which responses stored thereon, that is linked to the questions database, which is accessible through the website. Responses are selected by the respondent to create a proposal that is stored on the website. The user is then notified that the proposal is stored for their viewing.

Spencer does not teach displaying a user with an environmental project survey that includes a plurality of criteria data categories. Further, Spencer does not teach that the environmental project survey has hierarchically organized tiers of criteria data categories, such that when they are selected by a user, they display subcategories relating to the criteria data categories. It further does not teach that the subcategories are selected from at least one of air, energy, land, waste, and water. Hierarchically organized tiers are structural components that are not found in Spencer. Nor does it teach that once a criteria data category has been selected by the user, a subcategory relating to the

12

selected criteria data category is then displayed to the user for further selecting. Additionally, Spencer does not teach selecting one of the environmental projects for funding by the at least one resource provider.

Applicant previously amended Claim 1 to clarify that the system displays these hierarchical organized tiers of criteria data categories in this manner and then further displays subcategories relating to the selected criteria data categories. Also, Claim 1 was previously amended to clarify that an environmental project is selected form funding by at least one resource provider. In light of the limitations presented and structure relating to the hierarchical nature of the display and the relatedness of the specifically claimed criteria data categories, the Examiner is again respectfully requested to reconsider the conclusion that such limitations are nonfunctional descriptive material. Especially, in light of the fact that Claim 1 is directed to specifically environmental projects, resource providers, users, and funding of projects to be completed by the selected users of the system. Furthermore, the functional limitations provide the basis for the matching criteria between the user input data from the environmental project surveys with the data representative of the at least one characteristic of each of the resource providers. The matched functional limitations provide for the selecting of one of the environmental projects for funding by a resource provider.

Additionally, Spencer teaches that the created RFPs are sent out to addressees preselected by the creator of the created RFPs. (Figs. 16 – 17) By doing so, the created RFPs are only viewed and responded to by the preselected respondents. The system taught by Spencer requires that the respondents be preselected and notified of these particular created RFPs, thus substantially limiting the pool of qualified respondents to those preselected by the creator of the created RFP.

Conversely, the claims of the present application cover a system whereby the stored environmental project surveys are accessible by anyone desiring to access the system. The stored environmental project surveys are then accessed by a database query that is presented to the user of the system to locate those stored environmental project surveys that match a particular resource provider. The pool size of funding sources in the present system is not limited by the creator of the environmental project surveys.

As discussed above, Spencer does not teach all the limitations as found in the previously amended Claims 1, 37, and 40. Vanderboom et al. teaches an online laboratory services brokerage system that is used to maintain a network and database of member laboratories that have underutilized capabilities. RFPs are submitted for laboratory services and the database of available or underutilized capabilities is searched to match the RFP with a laboratory having available related service capacity.

13

Vanderboom et al. does not teach displaying a user with an environmental project survey that includes a plurality of criteria data categories, nor does it teach that the environmental project survey has hierarchically organized tiers of criteria data categories, such that when they are selected by a user, they display subcategories relating to the criteria data categories. It further does not teach that the subcategories are selected from at least one of air, energy, land, waste, and water. Hierarchically organized tiers are structural components that are not found in Vanderboom et al. It does not teach that once a criteria data category has been selected by the user, a subcategory relating to the selected criteria data category is then displayed to the user for further selecting. Additionally, Vanderboom does not teach selecting one of the environmental projects for funding by the at least one resource provider.

<div align="center">

Conclusion
</div>

Applicants respectfully submit that the pending Claims 1, 2, 4 – 20 and 22 – 46 are in condition for allowance and such a Notice is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Applicants believe a three-month extension is due with this response and an appropriate extension fee is included with this response. If any additional fees are due, please charge our Deposit Account No. 50-2816, under Order No. 970767.0201PTUS from which the undersigned is authorized to draw.

Respectfully submitted,

PATTON BOGGS LLP

Dated: September 2, 2009

By: /s/ V. Craig Belair
V. Craig Belair
Registration No.: 49,056
(214) 758-6631
(214) 758-1550 (Fax)
Attorney for Applicants